



## COUNCIL MINUTES

December 14, 2009

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on December 14, 2009 at 5:45 p.m.

### COUNCIL PRESENT

Mayor Scott Smith  
Alex Finter  
Dina Higgins  
Kyle Jones  
Dennis Kavanaugh  
Dave Richins  
Scott Somers

### COUNCIL ABSENT

None

### OFFICERS PRESENT

Christopher Brady  
Debbie Spinner  
Linda Crocker

Invocation by Reverend Ozetta Kirby, Holy Trinity Community A.M.E. Church.

Pledge of Allegiance was led by Scouts Ethan Hunt and Jacob Taylor of Troop #954.

Mayor's Welcome.

Mayor Smith welcomed everyone to the meeting. A videotaped presentation was aired that outlined meeting procedures and provided attendees with instructions relative to addressing the Council.

Awards, Recognitions and Announcements.

Mayor Smith announced that the Council was taking this opportunity to recognize Rick Simonetta, who is retiring as the Chief Executive Officer of Valley Metro after successfully leading the effort to construct the first segment of the Light Rail Transit System. He added that the initial twenty-mile project, which was the longest light rail start-up in the country, came in on budget and on time.

Vice Mayor Jones, the City's representative on the Valley Metro Board, said it was a privilege to serve on the Board, and he thanked Mr. Simonetta for his service.

Mayor Smith presented a plaque to Mr. Simonetta in appreciation of his leadership.

Mr. Simonetta thanked Mayor Smith and the Council for the recognition, and he expressed appreciation for the leadership of Mayor Smith, Vice Mayor Jones, and former Mayor Keno Hawker. He noted that hundreds of dedicated people who participated in the project will continue their efforts as Light Rail Transit is extended into Mesa.

1. Take action on all consent agenda items.

All items listed with an asterisk (\*) will be considered as a group by the City Council and will be enacted with one motion. There will be no separate discussion of these items unless a Councilmember or citizen requests, in which event the item will be removed from the consent agenda and considered as a separate item. If a citizen wants an item removed from the consent agenda, a blue card must be completed and given to the City Clerk prior to the Council's vote on the consent agenda.

Mayor Smith advised that the following individuals completed blue cards to indicate their support for items 8a and b, but no one wished to address the Council:

Valerie L. Rubal  
Abraham Rubal  
Kemp Morris  
Kellan Ray  
Maxanne Stevens  
Kent Olsen  
Mark Freeman  
Jeannette Fish  
Debbie Frazee  
Deanna Mason

Kathy Willis  
Judi Morris  
Dorothy Shupe  
Joseph Boyle  
Tom Prestwich  
Gary Porter  
Adam Hatley  
Eric Frazee  
Tony Frazee  
Shannon Parker

It was moved by Councilmember Finter, seconded by Councilmember Kavanaugh, that the consent agenda items be approved.

Councilmember Finter expressed support for the livestock regulations in agenda items 8a and b, and he stated the opinion that this action actually restores property rights rather than granting a privilege. He complimented Councilmember Richins for his leadership on the issue, and he also acknowledged the efforts of Zoning/Civil Hearing Administrator Gordon Sheffield as well as Mr. Freeman and other leaders of the Lehi Homeowners Association.

Mayor Smith called for the vote.

Carried unanimously.

\*2. Approval of minutes of previous meetings as written.

Minutes of the December 7, 2009 Council meeting.

3. Take action on the following liquor license applications:

\*3a. Downtown Mesa Association

This is a one day civic event to be held on Friday, January 8, 2010 from 6:00 p.m. to 10:00 p.m. at 1-270 W. Main St. This will be part of the 2nd Friday Night Events.  
**(District 4).**

\*3b. M&R Market

New Beer & Wine Store License for M&R Market, 1231 S. Mesa Drive, AE&K Enterprises Inc – Andy Shumon Youkhanna, Agent. The previous Beer & Wine Store License held at this location by A&C Convenience Mart LLC will revert back to the State. **(District 4).**

\*3c. Walgreens 03767

New Beer & Wine Store License for Walgreens 03767, 2737 E. McKellips Road, Walgreen Arizona Drug Co. – Randy Allen Guse, Agent. This is an existing building with no previous liquor license at this location. **(District 1).**

\*3d. Walgreens 09202

New Beer & Wine Store License for Walgreens 09202, 1142 W. Guadalupe Road, Walgreen Arizona Drug Co. – Randy Allen Guse, Agent. This is an existing building with no previous liquor license at this location. **(District 3).**

\*3e. Howdy Dinner Show

New Restaurant License for Howdy Dinner Show, 6136 E. Baseline Road, Miziker Entertainment Group LTD – David Michael Gage, Agent. The previous Restaurant License held at this location by Rockin' R Ranch LLC will revert back to the State. **(District 6).**

\*3f. Que Pachangas

New Restaurant License for Que Pachangas, 1749 W. Main Street, Suite 10, Jose Daniel Leyva Gamez, Individual. The previous Restaurant License held at this location by Adan Mendez, Individual, will revert back to the State **(District 3).**

4. Take action on the following bingo application:

\*4a. BINGO – CLASS A

Mesa Village Mobile Home Park **(District 2)**  
Robert Waterman  
2701 E. Allred Avenue  
Mesa, AZ 85204

5. Take action on the following contracts:

\*5a. Purchase of a refurbished Westfalia® Centrifuge Bowl, tile replacement and scroll repair for the Water Resources Department (Sole Source) **(Citywide).**

The Purchasing Division recommends authorizing purchase and repair from the sole source bidder, GEA Westfalia® Separator, Inc. at \$170,966.65, including applicable use tax.

- \*5b. Term contract for LED Modules for Pedestrian and Traffic Control Signals for the Materials and Supply Warehouse **(Citywide)**.

The Purchasing Division recommends awarding the contract to the lowest, responsible and responsive bidder, Leotek Electronics USA Corp. at \$288,234.94 annually, based on estimated requirements.

- \*5c. Renewal of the term contract for Irrigation Well Inspection, Maintenance and Repair for the Pinal Water Farms for the Engineering Department **(Citywide)**.

The Purchasing Division recommends authorizing the renewal of a two-year contract with Coolidge Engine & Pump at \$85,000.00 and John Hoover Well Services at \$85,000.00 annually, including applicable sales tax, for the combined contract total of \$170,000.00.

- \*5d. Downtown Water & Gas Line Replacements, within the area bounded by Broadway Road on the north, 8<sup>th</sup> Avenue on the south, Stapley Drive on the east and Center Street on the west. **(District 4)**.

City Project No. 01-555-001. This project will replace existing water lines and gas lines, including meters, valves, and fire hydrants, and abandon the existing water and gas lines within the area bounded by Broadway Road on the north, 8<sup>th</sup> Avenue on the south, Stapley Drive on the east and Center Street on the west.

Recommend award to the low bidder, Petra Contracting, in the amount of \$2,996,616.50 plus an additional \$299,661.65 (10% allowance for change orders) for a total award of \$3,296,278.15. This project is funded from the adopted FY 09/10 Water Bond Capital Program and Gas Bond Capital Program.

- \*5e. Central Arizona Project (CAP) Turnout Structure, Unincorporated Pinal County – **Deleted**.

- \*5f. Falcon Field Airport Pavement Preservation and Marking Improvements **(District 5)**.

City Project No. 08-912-002. This project will provide crack sealing, seal coating, and new pavement markings on Taxiway D, the Anzio Ramp, and the Main Terminal Parking Apron. Total area of existing asphalt pavements to be treated is approximately 97,250 square yards.

Recommend award to the low bidder, CPC Construction, Inc., in the amount of \$153,788.00 plus an additional \$15,378.80 (10% allowance for change orders) for a total award of \$169,166.80. Funding is available in the adopted FY 09/10 Falcon Field Airport Operations budget.

- \*5g. Falcon Field Airport Vehicle Access Control (Phase 4) **(District 5)**.

City Project No. 07-038-001. This project will complete the access control program, and result in total access-controlled gates at Falcon Field Airport. It will construct approximately 3,680 linear feet of new 8-foot high chain link fence along specific

sections of McKellips Road, Falcon Drive, Roadrunner Drive, and Greenfield Road, and four new motorized gates.

Recommend award to the low bidder, Norquay Construction, Inc., in the amount of \$764,824.87 plus an additional \$76,482.49 (10% allowance for change orders) for a total award of \$841,307.36. Funding is available in the adopted FY 2009/10 Falcon Field Airport Capital Program, which includes \$93,000 in FAA grants and \$2,462 in ADOT grants.

6. Take action on the following resolutions:

- \*6a. Approving and authorizing the City Manager to execute an Intergovernmental Agreement with the City of Phoenix for polygraph examinations of police officer recruit applicants in the amount of \$207.48 per applicant – Resolution No. 9612.
- \*6b. Fitch Park Batting Cage Upgrades – **Deleted**.
- \*6c. Approving and authorizing the City Manager to enter into agreements not to exceed a total value of \$190,000 to purchase and install video arraignment equipment and an upgraded, expanded queue management system to support the operation of the new Court building. The estimated cost of the equipment is \$143,500 for the video arraignment equipment and \$46,500 for the queue management system – Resolution No. 9613.

7. Discuss, receive public comment, and take action on the ordinances introduced at a prior Council meeting. Any citizen that wants to provide comment should submit a blue card to the Clerk before the item is voted on. If a citizen wants to comment on an item listed with an asterisk (\*), a blue card must be given to the Clerk before Council votes on the consent agenda.

- \*7a. Amending Title 9, Chapter 11 of the Mesa City Code to adopt modified Floodplain Management Regulations. The amendments are necessary to comply with the Federal Emergency Management Agency (FEMA) requirements. Amendments are administrative in nature including referring to the latest version of state and federal standards, maps, as well as state statutes for penalties. These modifications keep the City current with floodplain requirements so that properties within the City and a floodplain can continue to acquire floodplain insurance – Ordinance No. 4961 (**Citywide**).
- \*7b. Amending Title 6, Chapter 12 of the Mesa City Code related to offensive, excessive and prohibited noises. This ordinance will amend the section on unruly gatherings to include public places and allow enforcement by other City departments as designated by the City Manager – Ordinance No. 4962.
- \*7c. **209-22 (District 6)** 6859 East Rembrandt Avenue. Located north of Warner Road and east of Power Road (14,100± s.f.). Council Use Permit. This request will continue to allow an existing charter school within an industrial zoned area. Daniel Deryke, Western Horizons Development, LLC, owner; Debra Gomez, applicant –Ordinance No. 4963.

P&Z Recommendation: Approval with conditions. (Vote: 7-0).

- \*7d. **Z09-24 (District 5)** The 10000 block of East Brown Road (north side). Located at the northeast corner of Crismon Road and Brown Road (5.78± acres). Rezone from Maricopa County R1-35 to City of Mesa R1-35. This request will establish City of Mesa zoning on recently annexed property. The Church of Jesus Christ of Latter-Day Saints, owner; City of Mesa, applicant – Ordinance No. 4964.

P&Z Recommendation: Approval with conditions. (Vote: 6–0–1 Boardmember Randy Carter abstained).

- \*7e. **Z09-25 (District 5)** 2701 East Lehi Road. Located north of McDowell Road and east of Gilbert Road (7.65± acres). Rezone from Maricopa County RU-43 to City of Mesa R1-43. This request will establish City of Mesa zoning on recently annexed property. The Church of Jesus Christ of Latter-Day Saints, owner; City of Mesa, applicant – Ordinance No. 4965.

P&Z Recommendation: Approval with conditions. (Vote: 6–0–1 Boardmember Randy Carter abstained).

- \*7f. **Z09-26 (District 5)** 9016 East Gary Lane. Located north of Brown Road and west of Ellsworth Road (0.15± acres). Rezone from Maricopa County R1-6 to City of Mesa R1-6. This request will establish City of Mesa zoning on recently annexed property. Harlan and Sarah Finzer, owner; City of Mesa, applicant – Ordinance No. 4966.

P&Z Recommendation: Approval with conditions. (Vote: 7–0).

- \*7g. **Z09-27 (District 5)** 2415 North Hawes Road. Located north of McKellips Road on the east side of Hawes Road (2.02± acres). Rezone from Maricopa County R1-18 to City of Mesa R1-35. This request will establish City of Mesa zoning on recently annexed property. Stephen and Laurie Loper, owner; City of Mesa, applicant – Ordinance No. 4967.

P&Z Recommendation: Approval with conditions. (Vote: 7–0).

8. Take action on the following ordinance and resolution:

- \*8a. Amending Title 8, Chapter 6 of the Mesa City Code regarding livestock regulations – Ordinance No. 4968.
- \*8b. Modifying the fees and charges for the Business Services Department to include a livestock license fee – Resolution No. 9614.

9. Introduction of the following ordinance and setting January 11, 2010, as the date of the public hearing on this ordinance:

- \*9a. Amending various sections of the Mesa City Code regarding the following traffic modifications:

Prohibiting Turns From Driveways: 10-3-15(B)

On the west side of Gilbert Road from the driveway with centerline approximately 65 feet south of the centerline of Covina Street (west of Gilbert Road north of University Drive).  
**(District 2).**

10. Items from citizens present.

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There were no items from citizens present.

11. Adjournment.

Without objection, the meeting adjourned at 6:07 p.m.

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SCOTT SMITH, MAYOR

ATTEST:

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LINDA CROCKER, CITY CLERK

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Council Meeting of the City Council of Mesa, Arizona, held on the 14<sup>th</sup> day of December 2009. I further certify that the meeting was duly called and held and that a quorum was present.

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LINDA CROCKER, CITY CLERK

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